

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION

This document relates to:

City of New York v. Amerada Hess Corporation, et al.,
No. 04 Civ. 3417 (SAS)

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

**DECLARATION OF JAMES A. PARDO IN SUPPORT OF EXXON MOBIL
DEFENDANTS' MOTION FOR JUDGMENT AS A MATTER OF LAW**

James A. Pardo, an attorney duly licensed to practice law in the State of New York and in the United States District Court for the Southern District of New York, hereby declares the following under penalties of perjury:

1. I am a member of the law firm of McDermott Will & Emery LLP, counsel for the Exxon Mobil Corporation (“ExxonMobil”) Defendants in the above-captioned matter. I submit this Declaration in support of *ExxonMobil Defendants’ Motion for Judgment as a Matter of Law* (hereinafter “Motion”). This Declaration authenticates the exhibits attached hereto and incorporated by reference in support of the Motion. Copies of each of the exhibits appended hereto were made at my direction on or around October 1, 2009.

2. Attached hereto as Exhibit A are true and correct copies of *Defendants’ Motion for Summary Judgment On All Claims for Lack of Justiciability* (Jan. 23, 2006); and *Defendants’ Reply Memorandum of Law in Support of Their Motion for Summary Judgment on All Claims for Lack of Justiciability* (Mar. 15, 2006).

3. Attached hereto as Exhibit B are true and correct copies of *Defendants’ Joint Motion in Limine to Exclude Evidence and Argument Regarding Plaintiff’s Past and Future Investigation and Treatment Costs Until It Proves Actual Injury* (May 11, 2009); and

Defendants' Reply Memorandum of Law in Support of Defendants' Motion in Limine to Exclude Evidence and Argument Regarding Plaintiff's Past and Future Investigation and Treatment Costs Until It Proves Actual Injury (June 2, 2009).

4. Attached hereto as Exhibit C are true and correct copies of *Memorandum of Law in Support of Certain Defendants' Motion to Certify the Court's May 13, 2008 Opinion and Order for Interlocutory Appeal* (May 29, 2008); and *Reply of Exxon Mobil Corporation to Plaintiffs' Memorandum of Law in Opposition to Certain Defendants' Motion to Certify the Court's May 13, 2008 Opinion and Order for Interlocutory Appeal* (June 11, 2008).

5. Attached hereto as Exhibit D is a true and correct copy of *Defendants' Memorandum of Law in Support of Motion in Limine Regarding Application of the Commingled Product Theory, Consideration of Fault of Nonparties by Jury, and Proof of Date of Harm* (Apr. 27, 2009).

6. Attached hereto as Exhibit E are true and correct copies of *Letter-Brief from Peter John Sacripanti to Hon. Shira A. Scheindlin re: Commingled Product Theory* (June 4, 2009); *Letter-Brief from Peter John Sacripanti to Hon. Shira A. Scheindlin re: Commingled Product Theory* (June 22, 2009); and *Letter-Brief from P. Sacripanti to the Court* (June 22, 2009); *Letter-Brief from J. Pardo to the Court* (September 20, 2009).

7. Attached hereto as Exhibit F are true and correct copies of *Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment on Conflict Preemption* (July 29, 2005); and *Defendants' Reply in Support of Their Motion for Summary Judgment Regarding Federal Preemption* (Feb. 21, 2006).

8. Attached hereto as Exhibit G are true and correct copies of *Defendants' Notice of Joint Motion and Motion in Limine to Exclude Evidence of Protected Lobbying Conduct* (May

11, 2009); and *Defendant's Reply Memorandum of Law in Further Support of Its Motion in Limine to Exclude Evidence of Protected Lobbying Conduct* (June 2, 2009).

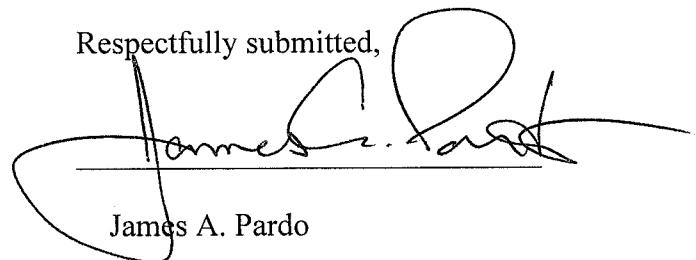
9. Attached hereto as Exhibit H are true and correct copies of *Notice of Motion and Defendants' Memorandum in Support of Joint Motion in Limine to Preclude Evidence Regarding Trade-Association Activities Until and Unless Plaintiffs Establish Predicate Facts* (May 11, 2009); and *Defendant Exxon Mobil Corporation's Reply in Further Support of Defendants' Motion in Limine to Preclude Evidence Regarding Trade-Association Activities Until and Unless Plaintiff Establishes Predicate Facts* (June 2, 2009).

10. Attached hereto as Exhibit I are true and correct copies of *Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment Based on the Statute of Limitations* (Mar. 6, 2006); and *Defendants' Reply Memorandum in Support of Their Motion for Summary Judgment Based on Statute of Limitations* (Apr. 14, 2006).

11. Attached hereto as Exhibit J are true and correct copies of *Defendant Exxon Mobil Corporation's Notice of Motion and Memorandum of Law in Support of Its Motion for Summary Judgment of Plaintiff City of New York's Claims Related to Station 6 Based on the Statute of Limitations* (July 8, 2009); and *Reply Memorandum of Law in Further Support of Defendant Exxon Mobil Corporation's Motion for Summary Judgment of Plaintiff City of New York's Claims Related to Station 6 Based on the Statute of Limitations* (Aug. 12, 2009).

Dated: October 1, 2009
New York, NY

Respectfully submitted,



The image shows a handwritten signature in black ink, which appears to be "James A. Pardo". Below the signature, the name "James A. Pardo" is printed in a smaller, standard font.